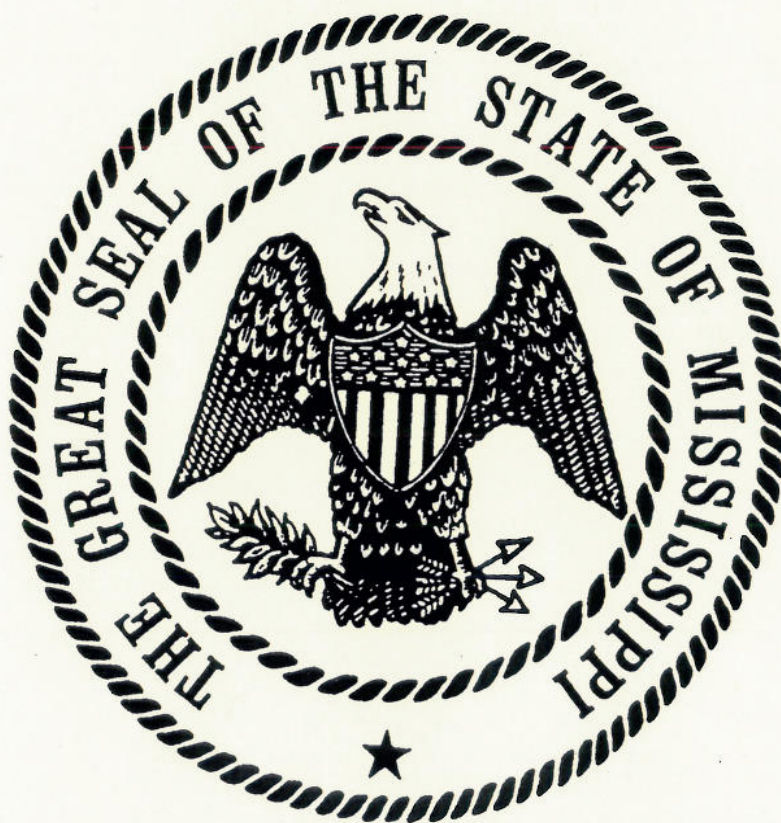


MISSISSIPPI

LANDSCAPE ARCHITECTURE ADVISORY COMMITTEE to the State Board of Architecture



Law

(revised July 1, 2005)

Rules and Regulations

(revised October 25, 2005)

MISSISSIPPI

Landscape Architectural Practice Law

(amended through July 1, 2005)

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73-2-1 Title

This chapter shall be known and may be cited as the "Landscape Architectural Practice Law."

73-2-3 Definitions

As used in this chapter:

- a) "Landscape architect" means a person who is licensed to practice landscape architecture in this state under the authority of this chapter and is engaging in the practice of landscape architecture within the meaning and intent of this chapter when he performs or holds himself out as capable of performing any of the services or creative works within the definition of landscape architecture.
- b) "Landscape architecture" means any service or creative work, the adequate performance of which requires landscape architectural education, training and experience; the performance of professional services such as consultation, investigation, research, associated planning, design, preparation of drawings, specifications and contract documents, and responsible supervision or construction management in connection with the development of land areas where, and to the extent that, dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and plantings, naturalistic and aesthetic values; the determination of settings, grounds and approaches for buildings and structures or other improvements; the determination of environmental problems of land relating to erosion, flooding, blight and other hazards; the shaping and contouring of land and water forms; the setting of grades, determination of drainage and providing for storm drainage systems where such systems do not require structural design of system components, and determination of landscape irrigation; the design of such tangible objects and features as are necessary to the purpose outlined herein, but shall not include the design of buildings or structures with separate and self-contained purposes such as are ordinarily included in the practice of architecture or engineering.
- c) "Board" means the Mississippi State Board of Architecture as established by Section 73-1-3 et seq.

- d) "License" means a certificate granted by the Mississippi State Board of Architecture authorizing its holder to practice landscape architecture.
- e) "Mississippi chapter" means the Mississippi Chapter of the American Society of Landscape Architects.

73-2-5 License Required

No person shall practice landscape architecture in this state or use the title "landscape architect" on any sign, title, card or device to indicate that such person is practicing landscape architecture or is a landscape architect, unless such person shall have secured from the board a license as landscape architect in the manner hereinafter provided, and shall thereafter comply with the provisions of this chapter. Every holder of a current license shall display it in a conspicuous place in his principal office or place of employment.

73-2-7 Qualifications of Applicants

In order to qualify for a license as a landscape architect, an applicant must:

- a) Submit evidence of his good moral character and integrity to the examining board.
- b) Have received a degree in landscape architecture from a college or university having a minimum four-year curriculum in landscape architecture approved by the board or have completed seven (7) years of work in the practice of landscape architecture of a grade and character suitable to the board. Graduation in a curriculum other than landscape architecture from a college or university shall be equivalent to two (2) years' experience of the seven (7) specified above in this section, except that no applicant shall receive credit for more than two (2) years' experience for any scholastic training.
- c) Pass such written examination as required in Section 73-2-9.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

73-2-9 Examinations of Applicant

Examinations for the license shall be held by the board annually. The board shall adopt rules and regulations covering the subjects and scope of the examinations, publish appropriate announcements, and conduct the examinations at the times designated. Except as otherwise provided in this chapter, every applicant shall be required, in addition to all other requirements, to take and pass a written examination. Each written examination may be supplemented by such oral examinations as the board shall determine.

73-2-11 Exemptions from Examination (Reciprocal)

The board may exempt from examination any applicant who holds a license or certificate to practice landscape architecture issued to him upon examination by a legally constituted board of examiners of any other state or Washington, D.C., or any other territory or possession under the control of the United States, provided that such requirements of the state in which the applicant is registered are equivalent to those of this state.

Each nonresident applicant shall submit, as part of the application, a sworn affidavit stating that neither such applicant nor any person in or agent of the applicant's firm has practiced or is practicing landscape architectural work in this state prior to the applicant having been licensed by the board unless such person or agent holds a license to practice landscape architecture in this state. Failure to submit this affidavit or submitting an affidavit which is false in any respect shall constitute just cause for denial of the application.

An applicant who is a licensed landscape architect but who was admitted in a jurisdiction which did not offer a written examination acceptable to the board or was admitted without the requirement of passing a written examination may be issued a license to practice landscape architecture in this state upon the taking and passing of any examination or procedure as may be

adopted by the board, provided that such applicant meets all other requirements for issuance of a license to practice landscape architecture in this state.

73-2-13 Advisory Committee

There shall be an advisory committee to the board to consist of five (5) members appointed by the Governor from a list of names supplied by Mississippi Chapter of the American Society of Landscape Architects, giving the names of no fewer than three (3) times the number of persons to be appointed. Each member of the initially appointed committee shall be qualified as described by Section 73-2-7. Appointments shall be licensed landscape architects only and shall be for five-year terms. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled by appointment in like manner for the unexpired term.

The committee shall review, approve or disapprove, and make recommendations on all applications for landscape architect's license. At the direction of the board, the committee shall also review and investigate any charges brought against any landscape architect as provided for in Section 73-2-16 and make findings of fact and recommendations to the board concerning any disciplinary action which the committee deems necessary and proper pursuant to Section 73-2-16.

Each member of the committee shall be entitled to receive a per diem in such amounts as shall be set by the board, but not to exceed the amount provided for in Section 25-3-69, and shall be reimbursed for expenses that are incurred in the actual performance of his duties under the provisions of Section 25-3-41.

Before entering upon the discharge of his duties, each member of the committee shall take and subscribe to the oath of office and file it with the Secretary of State. The committee shall elect at the first meeting of every calendar year from among its members, a chairman and a secretary to hold office for one (1) year.

73-2-15 License Fees; Seal

The board shall require that every landscape architect shall pay a biennial license renewal fee set by the board not in excess of Two Hundred Dollars (\$200.00). The renewal fee shall be due and payable on the first day of January of each year in which the fee is required to be paid and shall become delinquent after the thirty-first day of January of such year, and if the renewal fee is not paid before it becomes delinquent, a penalty fee of Five Dollars (\$5.00) shall be added to the amount thereof per month. If the renewal fee and penalty are not paid before the first day of June in the year in which they become due, the landscape architect's certificate shall be suspended. The certificate may be reinstated upon the payment of the renewal fee, the penalty fees and a reinstatement fee of Fifty Dollars (\$50.00), and provision of such proof of the landscape architect's qualifications as may be required in the sound discretion of the board.

The board shall send a receipt to each landscape architect promptly upon payment of the renewal fee.

The board may recognize, prepare or administer continuing education programs for landscape architects as a basis for license renewal.

The board shall adopt an appropriate seal for use by licensed landscape architects.

73-2-16 Disciplinary Proceedings

(1) The board shall also have the power to revoke, suspend or annul the certificate or registration of a landscape architect or reprimand, censure or otherwise discipline a landscape architect.

(2) The board, upon satisfactory proof and in accordance with the provisions of this chapter, may take the disciplinary actions against any registered landscape architect for any of the following reasons:

- a) Violating any of the provisions of Sections 73-2-1 through 73-2-21 or the implementing bylaws, rules, regulations or standards of ethics or conduct duly adopted and promulgated by the board pertaining to the practice of landscape architecture;
- b) Fraud, deceit or misrepresentation in obtaining a certificate of registration;
- c) Gross negligence, malpractice, incompetency or misconduct in the practice of landscape architecture;
- d) Any professional misconduct, as defined by the board through bylaws, rules and regulations and standards of conduct and ethics (professional misconduct shall not be defined to include bidding on contracts for a price);
- e) Practicing or offering to practice landscape architecture on an expired license or while under suspension or revocation of a license unless said suspension or revocation be abated through probation;
- f) Practicing landscape architecture under an assumed or fictitious name;
- g) Being convicted by any court of a felony, except conviction of culpable negligent manslaughter, in which case the record of conviction shall be conclusive evidence;
- h) Willfully misleading or defrauding any person employing him as a landscape architect by any artifice or false statement;
- i) Having undisclosed financial or personal interest which compromises his obligation to his client;
- j) Obtaining a certificate by fraud or deceit; or
- k) Violating any of the provisions of this chapter.

(3) Any person may prefer charges against any other person for committing any of the acts set forth in subsection (2). Such charges need not be sworn to, may be made upon actual knowledge, or upon information and belief, and shall be filed with the board. In the event any person licensed under Sections 73-2-1 through 73-2-21 is expelled from membership in any Mississippi or national professional landscape architectural society or association, the board shall thereafter cite said person to appear at a hearing before the board and to show cause why disciplinary action should not be taken against that person.

The board shall investigate all charges filed with it and, upon finding reasonable cause to believe that the charges are not frivolous, unfounded or filed in bad faith, may, in its discretion, cause a hearing to be held, at a time and place fixed by the board, regarding the charges and may compel the accused by subpoena to appear before the board to respond to said charges.

No disciplinary action taken hereunder may be taken until the accused has been furnished both a statement of the charges against him and notice of the time and place of the hearing thereof, which shall be personally served on the accused or mailed by registered or certified mail, return receipt requested, to the last known business or residence address of the accused not less than thirty (30) days prior to the date fixed for the hearing.

(4) At any hearing held under the provisions of this section, the board shall have the power to subpoena witnesses and compel their attendance and require the production of any books, papers or documents. The hearing shall be conducted before the full board with the president of the board serving as the presiding judge. Counsel for the board shall present all evidence relating to the charges. All evidence shall be presented under oath, which may be administered by any member of the board, and thereafter the proceedings may, if necessary, be transcribed in full by the court reporter and filed as part of the record in the case. Copies of such transcription may be provided to any party to the proceedings at a cost to be fixed by the board.

All witnesses who shall be subpoenaed and who shall appear in any proceedings before the board shall receive the same fees and mileage as allowed by law in judicial civil proceedings, and all such fees shall be taxed as part of the costs of the case.

Where in any proceedings before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance of such witness and

the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

The accused shall have the right to be present at the hearing in person, by counsel or other representative, or both. The accused shall have the right to present evidence and to examine and cross-examine all witnesses. The board is authorized to continue or recess the hearing as may be necessary.

(5) At the conclusion of the hearing, the board may either decide the issue at that time or take the case under advisement for further deliberation. The board shall render its decision not more than forty-five (45) days after the close of the hearing, and shall forward to the last known business or residence address of the accused by certified or registered mail, return receipt requested, a written statement of the decision of the board.

If a majority of the board finds the accused guilty of the charges filed, the board may:

- a) issue a public or private reprimand;
- b) suspend or revoke the license of the accused, if the accused is a registrant; or
- c) in lieu of or in addition to such reprimand, suspension or revocation, assess and levy upon the guilty party a monetary penalty of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation.

(6) A monetary penalty assessed and levied under this section shall be paid to the board upon the expiration of the period allowed for appeal of such penalties under this section, or may be paid sooner if the guilty party elects. Money collected by the board under this section shall be deposited to the credit of the board's general operating fund.

When payment of a monetary penalty assessed and levied by the board in accordance with this section is not paid when due, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of the residence of the guilty party and if the guilty party be a nonresident of the State of Mississippi, such proceedings shall be in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

(7) When the board has taken a disciplinary action under this section, the board may, in its discretion, stay such action and place the guilty party on probation for a period not to exceed one (1) year upon the condition that the guilty party shall not further violate either the law of the State of Mississippi pertaining to the practice of landscape architecture or the bylaws, rules and regulations, or standards of conduct and ethics promulgated by the board.

(8) The board, in its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted under this section against the accused, if the accused is found guilty of the charges.

(9) The power and authority of the board to assess and levy the monetary penalties provided for in this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations except as provided in this section.

(10) The board, for sufficient cause, may reissue a revoked license of registration whenever a majority of the board members vote to do so but in no event shall a revoked license be issued within two (2) years of the revocation. A new license of registration required to replace a revoked, lost, mutilated or destroyed license may be issued, subject to the rules of the board, for a charge not to exceed Twenty-five Dollars (\$25.00).

(11) The board may direct the advisory committee to review and investigate any charges brought against any landscape architect under this chapter and to hold the hearings provided for in this section and to make findings of fact and recommendations to the board concerning the disposition of such charges.

(12) Nothing herein contained shall preclude the board or advisory committee from initiating proceedings in any case. The advisory committee shall furnish legal advice and assistance to the board whenever such service is requested.

(13) In addition to the reasons specified in subsection (2) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

73-2-17 Examination Fees; Certificate Fees

Each applicant for examination as a landscape architect shall pay to the board for the purposes of procuring, administering and grading the examination, an administration fee not to exceed One Hundred Dollars (\$100.00) together with an application fee in such amount as the board may set, but in no event to exceed the actual cost to the board of purchasing, preparing and evaluating the examination. Upon passing the examination and meeting the requirements of this chapter and upon paying an initial registration fee in an amount set by the board, an applicant shall be issued an original certificate as a licensed landscape architect and a rubber stamp bearing the seal adopted by the board for use by landscape architects. Each holder of a certificate as provided herein shall be entitled to practice as a licensed landscape architect without additional fee or charge until the next biennial renewal period, and thereafter upon payment of the biennial license fee as provided by Section 73-2-15.

A fee of Twenty-five Dollars (\$25.00) shall be charged for each duplicate certificate issued by the board.

All checks or money orders submitted to the board shall be made payable to the board.

73-2-19 Practices Exempt from Licensing

This chapter shall not require licensing in the following cases:

- a) The practice of landscape architecture by any person who acts under the supervision of a registered landscape architect or by an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision.
- b) The practice of landscape architecture by employees of the United States government while engaged within this state in the practice of landscape architecture for said government.
- c) The practice of planning as customarily done by regional and urban planners.
- d) The practice of arborists, foresters, gardeners, home builders, floriculturists and ornamental horticulturists performing their respective trades or professions.
- e) The practice of any nurseryman or landscape contractor to practice planting design, planting, and location and arrangement of plant materials.
- f) The practice of architecture or engineering as defined by the laws of the State of Mississippi including, but not limited to, such planting as might be incidental to such practice.
- g) The work or practice of a regular employee of a public service company or public utility, by rendering to such company landscape architectural service in connection with its facilities which are subject to regulation, supervision and control in order to safeguard life, health and property by the Public Service Commission of this state shall be exempt so long as such person is thus actually and exclusively employed.
- h) Any person, firm or corporation performing landscape architecture and working on his own land or property.

- i) (i)Golf course architects engaged in the preparation of drawings and specificationsfor a golf course, in accordance with accepted professional standards of public health and safety.

73-2-21 Prohibited Acts

It shall be a misdemeanor for any person to:

- a) Offer to practice or hold himself out as entitled to practice landscape architecture, unless duly certified and registered under this chapter.
- b) Present as his own the certificate of another.
- c) Give false or forged evidence to the board or any member thereof in obtaining a certificate.
- d) Falsely impersonate any other practitioner of like or different name.
- e) Use or attempt to use a certificate that has been revoked.
- f) Otherwise violate any of the provisions of this chapter.

Such misdemeanor shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00), or imprisonment for not more than one (1) year in the county jail, or both.

If any person, firm or corporation violates any of the provisions of this chapter, the secretary of the board shall, upon direction of a majority of the board, in the name of the State of Mississippi, acting through an attorney employed by the board, apply in any chancery court of competent jurisdiction for an injunction or temporary restraining order pursuant to the Mississippi Rules of Civil Procedure enjoining such violation or for an order enforcing compliance with the provisions of this chapter. If at such hearing it is established that such person has violated or is violating this chapter, the court may, in addition to enjoining such violation or enforcing compliance with this chapter, award all cost and expenses, including reasonable attorney's fees, to the board. In case of violation of any decree issued in compliance with this paragraph, the court may try and punish the offender for contempt of court and shall fine such offender a sum of not less than Two Hundred Fifty Dollars (\$250.00) per offense. Each day of such violation shall constitute a distinct and separate offense.

73-2-23 Prosecution of Offenses

All courts of competent jurisdiction within their respective territorial jurisdiction are hereby empowered to hear, try and determine such crimes without indictment and to impose in full the punishments of fines and imprisonments herein prescribed. All violations of this chapter, when reported to the board and duly substantiated by affidavits or other satisfactory evidence, shall be investigated by it, and if the report is found to be true and the evidence substantiated, the board shall report such violations to the Attorney General and request prompt prosecution.

MISSISSIPPI

Landscape Architecture Advisory Committee

Rules and Regulations

(revised October 25, 2005)

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CHAPTER I REGISTRATION AND DEFINITIONS

1.01 Definitions

- 1.01.1 "Committee"** – The Mississippi Landscape Architecture Advisory Committee to the Mississippi State Board of Architecture.
- 1.01.2 "CLARB"** – The Council of Landscape Architectural Registration Boards.
- 1.01.3 "CLARB Council Record"** – Verified documentation of an individual's education, experience, examination, licensure and professional conduct compiled by CLARB.
- 1.01.4 "CLARB Council Certificate"** – Certification by CLARB that a Landscape Architect has met the minimum standards of education, examination, experience and professional conduct established by the Council and is thereby recommended for licensure in all member jurisdictions.
- 1.01.5 "LARE"** – The Landscape Architect Registration Examination, administered and graded in accordance with established CLARB standards.
- 1.01.6 "Direct control and personal supervision"** – That degree of supervision by a Landscape Architect overseeing the work of another whereby the supervisor has been directly involved in all judgments affecting the health, safety and welfare of the public.
- 1.01.7 "Responsible charge"** – The direct control and personal supervision of the practice of landscape architecture.
- 1.01.8 "Majority Vote"** – A majority vote is defined as a simple majority of the quorum present.
- 1.01.9 "Emeritus Status"** – Active resident Landscape Architects who have been registered in this state for ten (10) consecutive years, who are sixty-five (65) years of age or older and who are retired from active practice or other related professional activities may request "Emeritus Status" in writing and by stating compliance with the requirements of this section. "Retired" means that the Landscape Architect no longer practices landscape architecture in that he/she no longer stamps and certifies documents with his/her seal or practices landscape architecture as defined in Section 73-2-3(b) of the Mississippi Code of 1972, as amended. If the requirements of this section have been met, all fees for biennial registration shall be waived by the Committee. Any reference to a Landscape Architect with "Emeritus Status" on any letter, title, sign, card or device shall list such landscape architect as "Emeritus Landscape Architect".
- 1.01.10 "Quorum"** – A committee quorum shall be constituted when a minimum of three (3) members are present. A quorum is required for all business of the committee.

1.02 Eligibility

An applicant for initial registration or registration by reciprocity as a Landscape Architect in Mississippi shall comply with Section 73-2-7 of the Mississippi Code of 1972.

1.03 Exceptions-Ineligibility

Acts sufficient to preclude an applicant's eligibility for registration shall include, but not be limited to, the following:

- (1) Practicing Landscape Architecture without registration in violation of any jurisdiction;
- (2) Conviction of a felony except conviction of culpable negligent manslaughter;
- (3) Misrepresentations or falsifications of facts filed in the application.

1.04 Forms and Instructions

- 1.04.1** Application forms and instructions will be furnished upon request.
- 1.04.2** The forms required must be properly executed and submitted with the required fee.

1.05 Fees

Fees required are listed below. Regardless of the time of initial registration all licenses become renewable at the end of the biennial period on December 31st.

Application for Initial Registration	100.00
Application by Reciprocity	250.00
Biennial Renewal	200.00
Reinstatement of an Expired License	275.00
Mailing labels of Registrants	25.00
Printed Roster	25.00
Electronic Roster	50.00
Duplicate Certificate	40.00
File Transfer	25.00
Non-Sufficient Funds Checks	40.00
Photo copies (per single sided sheet)	.25
Laser printed pages (per single page)	.25

1.06 Processing

- 1.06.1** Complete applications shall be submitted to the Committee.
- 1.06.2** All applications shall be considered individually and approved or rejected by a majority vote of the Committee.
- 1.06.3** Personal appearances before the Committee, if required, shall be at a time and place designated by the Committee.

1.06.4 Failure to supply additional evidence or information within sixty (60) days from the date of written request from the Committee or to appear before the Committee when such an appearance is deemed necessary, may be considered just and sufficient cause for rejection of the application.

1.06.5 Applications for licensure shall expire after a six (6) month interval during which there is no activity.

1.07 Examination

1.07.1 Every applicant for registration by examination must complete the examination process through CLARB, prior to applying for initial registration.

1.07.2 Once the examination process has been completed through CLARB, applicants must complete the required application and request the CLARB Council Record be transmitted to the Committee.

1.07.3 Initial registration applications and procedures may be obtained from the Committee's office, the web site or by making application through the electronic on-line application process. (www.archbd.state.ms.us)

1.08 Reciprocity

1.08.1 Every applicant must have a complete and current CLARB Council Certificate submitted as a part of the reciprocal application packet.

1.08.2 In the consideration of applications for registration, the Committee reserves the right to exercise the discretion provided herein by requiring the applicant to have a satisfactory examination record. A satisfactory examination record is one that has standards and scores equal to or higher than those established by CLARB. Verification of examination scores must include a statement that the CLARB Exam was given without modification. The applicant shall be required

to pass such additional examination subjects as, in the opinion of the Committee, may be necessary to bring the applicant's record up to the existing requirements of the State of Mississippi.

1.08.3 Fees for this type of application are set forth in section 1.05.

1.08.4 Rejection of applications for registration by reciprocity will be by letter explaining the reasons and outlining procedures under which reconsideration may be possible.

1.08.5 Any applicant seeking registration who has not passed any CLARB examination, must pass the LARE prior to applying for registration in this State.

1.09 Renewals

The biennial license renewal fee shall be due on or before December 31 of each odd numbered year, after which penalties will be added at a rate of \$5.00 per month up until June 1st. After June 1st, the license stands suspended and the individual must apply for reinstatement of an expired license.

1.10 Reinstatement of License

1.10.1 A registrant that allows his/her registration to lapse after June 1 of the of the first year of the biennial period of the next odd year will be required to reinstate said registration by filing an application for reinstatement of an expired license supplied by the Committee, paying the reinstatement fee and providing the following information:

- (1) A list of work experience, since the date the license officially lapsed; and
- (2) an affidavit stating that the applicant for reinstatement has not practiced landscape architecture or entered into a contract to perform landscape architectural services in Mississippi since the license lapsed; and
- (3) a CLARB Council Certificate OR an examination record on file with the board verifying initial licensure by examination in Mississippi; and
- (4) certification that the applicant has acquired twenty-four (24) units of continuing education within a twenty-four month (24) period immediately prior to the date on which application for reinstatement is made. Continuing education hours must be in accordance with the provisions set forth in these rules and regulations and reported in a format acceptable to the board.

1.10.2 Any registrant who allows his/her license to expire and was initially licensed in a state or jurisdiction under a Grandfather Provision and who has never passed any CLARB examination will be required to pass the CLARB LARE prior to reinstatement of his/her license.

1.11 Official Seal

1.11.1 Upon official notification of registration, the registrant will be advised that it is his/her responsibility to secure an official seal or rubber stamp for use in this state. Embossed seals are not acceptable. The seal to be used by the registrants are to be circular in form and 2 inches in diameter. A copy of the design is shown below and shall contain the following information: Name, Registration Number and the words "Registered Landscape Architect State of Mississippi":



- 1.11.2** The registrant shall stamp with his/her seal the following documents:
- All original sheets of any bound or unbound set of working drawings or plans, and
 - The original cover of the project manual or index page(s) identifying all specification pages of the project manual, and
 - All Addenda.
- 1.11.3** The registrant shall superimpose his/her original signature (not a rubber stamp) and date of execution across the face of the seal on documents listed above. Subject to the requirements of this rule, rubber stamp, transparent self-adhesive seals, or computer generated types may be used. Such stamps and seals shall not include the registrant's signature and date of execution.
- 1.11.4** Any portion of working drawings or plans prepared by registered consultants shall bear the seal and signature of the consultant responsible.
- 1.11.5** No registrant shall affix his/her seal or signature to documents having titles or identities excluding the registrant's name unless:
- such documents were indeed developed by the registrant or under the registrant's direct control and personal supervision; and
 - the registrant has exercised full authority to determine their development.

1.12 Public Records

Public records shall be made available, pursuant to the Mississippi Public Records act, by written request, with the Committee responding to such requests within fourteen (14) working days. Appropriate administrative costs in relation to the processing of such requests will apply and will be due from the requesting party prior to delivery of any public records.

CHAPTER II PROFESSIONAL CODE OF CONDUCT

Preamble

The primary purpose of the Rules of Professional Conduct for Landscape Architects is to safeguard the health, safety and welfare of the public and to eliminate unnecessary loss and waste in the State of Mississippi. The Committee has taken into account the fact that the public views the Landscape Architect as a registered professional involved in a leadership position in the construction process and relies on the registered professional to help safeguard the public interest. The following rules shall be binding upon every person holding a Certificate of Registration to practice Landscape Architecture in the State of Mississippi.

All persons registered or seeking registration in the State of Mississippi as Landscape Architects under the Landscape Architectural Practice Law are charged with having knowledge of these Rules of Professional Conduct and shall be familiar with their provisions and understand them. Such knowledge shall encompass the understanding that the practice of landscape architecture is a privilege, as opposed to a right.

2.01 Responsibility to the Public

2.01.1 The Landscape Architect's primary obligation shall be to protect the health, safety and welfare of the public in the performance of his/her professional duties.

2.01.2 A Landscape Architect is encouraged to seek professional employment on the basis of qualifications and competence for proper accomplishment of the work. This procedure discourages the Landscape Architect from submitting a price for services until the prospective client has selected, on the basis of qualifications and competence, one Landscape Architect or firm for negotiations; however, competitive price proposals may be considered for professional landscape architectural services under the following guidelines:

- The prospective client has first sought statements of qualifications from interested registrants, and
- Those registrants chosen by the client on the basis of qualifications and competence for proper accomplishment of the work have received in writing a comprehensive and specific Scope of Work prepared by the client or the client's representative that completely describes the factors affecting the required landscape architectural services, and
- Assurances have been given by the prospective client that factors in addition to price will be considered in selecting the professional Landscape Architect.

2.02 Competence

2.02.1 In practicing landscape architecture, a Landscape Architect shall act with care and competence, and shall apply the technical knowledge and skill which is required of Landscape Architects, practicing in the State of Mississippi.

2.02.2 In designing a project, a Landscape Architect shall take into account all applicable state and municipal building laws and regulations. While a Landscape Architect may rely on the advice of other professionals (e.g. attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Landscape Architect shall not knowingly design a project in violation of such laws and regulations.

2.02.3 A Landscape Architect shall undertake to perform professional services only when he or she, together with those whom the Landscape Architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

2.02.4 No person shall be permitted to practice landscape architecture if, in the Committee's judgment, such person's professional competencies are substantially impaired by physical and/or mental disabilities.

2.03 Conflict of Interest

2.03.1 A Landscape Architect shall not accept compensation, financial or otherwise, for landscape architectural services from more than one party on the same project unless the circumstances are fully disclosed and agreed to by all interested parties and such disclosure and agreement are in writing.

2.03.2 A Landscape Architect shall not knowingly solicit or accept employment for professional services for any work which another Landscape Architect has been exclusively employed to perform and with which work the other professional is no longer to have any connection, without first having been advised in writing by the Landscape Architect's prospective employer that the employment of the other professional has been terminated.

2.03.3 If a Landscape Architect has any business association or a direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the Landscape Architect's performance of professional services, the Landscape Architect shall fully disclose in writing to the Landscape Architect's client or employer the nature of the business association or financial interest, and if the client or employer objects to such business association for financial interest, the Landscape Architect will either terminate such association or interest or offer to give up the commission or employment.

2.03.4 A Landscape Architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

2.03.5 The Landscape Architect shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents or their parties in connection with work for which he/she is responsible.

2.03.6 When acting as the interpreter of building contract documents and/or the judge of contract performance, a Landscape Architect shall render decisions impartially, favoring neither party to the contract.

2.03.7 The Landscape Architect shall not solicit or accept a contract from a governmental body on which the Landscape Architect or a principle or officer of his/her organization serves as a member.

2.03.8 When a Landscape Architect is employed in a full or part-time position, he/she shall not use the advantages of his/her position to compete unfairly with other professionals. A Landscape Architect for any county, city or public entity board or agency, where plans or documents must be submitted to him/her for review, approval or a recommendation for approval, cannot review, approve or recommend approval of his/her own plans or documents, or plans or documents prepared by any member of the firm in which he/she is a member.

2.04 Full Disclosure

2.04.1 A Landscape Architect, making public statements on landscape architectural questions, shall disclose when the Landscape Architect is being compensated for making such statements.

2.04.2 A Landscape Architect shall accurately represent to a prospective or existing client or employer the Landscape Architect's qualifications and the scope of the Landscape Architect's responsibility in connection with work for which the Landscape Architect is claiming credit.

2.04.3 The registrant shall not falsify or permit misrepresentation of his or her associates' academic or professional qualifications. He/she shall not misrepresent or exaggerate his/her degree of responsibility in or for the subject matter or prior assignments. Brochures or other presentations incidental to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, joint ventures or past accomplishments.

2.04.4 If, in the course of the Landscape Architect's work on a project a Landscape Architect becomes aware of a decision taken by the Landscape Architect's employer or client, against the Landscape Architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the Landscape Architect's judgment, materially and adversely affect the safety of the public on the finished project, the Landscape Architect shall:

- (i) Report the decision to the local building inspector or their public official charged with enforcement of the applicable state or municipal building laws and regulations, and
- (ii) Refuse to consent to the decision, and
- (iii) In circumstances where the Landscape Architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, terminate his/her services with reference to the project.

2.04.5 A Landscape Architect shall not deliberately make a false statement or fail deliberately to disclose a material fact requested in connection with the Landscape Architect's application for registration or renewal.

2.04.6 False or malicious statements: A licensee shall make no false or malicious statements which may have the effect, directly or indirectly, or by implication, of injuring the personal or professional reputation or business of another member of the profession.

2.04.7 A licensee who has knowledge or reasonable grounds for believing that another member of his/her profession has violated any statute or rule regulating the practice of his/her profession shall have the duty of presenting such information to the Committee.

2.04.8 A Landscape Architect shall not assist the application for registration of a person known by the Landscape Architect to be unqualified in respect to education, training, experience, or character.

2.04.9 A Landscape Architect possessing knowledge of a violation of these rules by another Landscape Architect shall report such knowledge to the Committee.

2.04.10 In the case of where a firm name is considered a "trade name", the name of at least one (1) landscape architect licensed in this state must appear on any announcement, stationary, printed matter or listing.

Example:

ABC Landscape Architects

John Doe, Landscape Architect

2.05 Compliance with the Law

2.05.1 A Landscape Architect shall not, in the conduct of the Landscape Architect's practice, knowingly violate any state or federal criminal or civil law.

2.05.2 The registrant shall not furnish services in such a manner as to enable unregistered person to evade federal, state and local building laws and regulations, including building permit requirements.

2.05.3 A Landscape Architect shall neither offer nor make any payments or gifts to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the Landscape Architect is interested.

2.05.4 A Landscape Architect shall comply with the registration laws and regulations governing the Landscape Architect's professional practice in any United States jurisdiction.

2.05.5 No person shall use any titles, words, letters or abbreviations to denote a standard of professional competence that may mislead the public by implying landscape architect or landscape architecture without being duly licensed in this state or without clearly indicating by a written disclaimer the absence of licensure in Mississippi upon any and all instruments or documents on which such reference appears.

2.05.6 An individual seeking a landscape architectural commission or participating in a design competition for a project in Mississippi involving landscape architectural services shall be admitted to Mississippi for the purpose of offering to render landscape architectural services and for that purpose only if:

- 1) The applicant holds a current and valid registration issued by a registration authority recognized by the Committee ; and
- 2) the applicant holds a CLARB Certificate; and
- 3) the applicant notifies the Mississippi Committee in writing that:
 - (a) individual holds an CLARB Certificate and is not currently registered in the state, but will be present in the state for the purpose of offering to render landscape architectural services,
 - (b) individual will deliver a copy of the notice referred to in (a) to every potential client to whom the applicant offers to render landscape architectural services,
 - (c) individual shall apply for a Mississippi license within 10 working days of the date of notification to the Mississippi Committee as provided in this paragraph, and
 - (d) the individual consents to the jurisdiction of the Committee.

The individual shall be prohibited from actually rendering landscape architectural services until he/she has been licensed.

2.06 Professional Conduct

2.06.1 Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have a Landscape Architect resident, and regularly employed in that office having direct control of such work.

2.06.2 A Landscape Architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control.

2.06.3 A Landscape Architect shall neither make nor offer to make any gifts, other than that of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the Landscape Architect is interested.

CHAPTER III

DISCIPLINARY GUIDELINES; RANGE OF PENALTIES; AGGRAVATING AND MITIGATING CIRCUMSTANCES.

The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating the Law and Rules of the Board. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of the law. The disciplinary guidelines are based upon a single count violation of each provision listed. multiple counts of violations of the same provision of the law or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties, i.e., suspension, revocation, etc., including lesser penalties, i.e., fine, probation, or reprimand which may be included in the final penalty at the Board's discretion.

The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the above mentioned statutes and rules:

VIOLATION	STATUTE/RULE	MINIMUM PENALTY
(a) Failure to stamp plans	Rule 1.11.2	Reprimand and \$250. Fine
(b) Failure to superimpose signature and/or date of execution over stamp	Rule 1.11.3	Reprimand and \$250. Fine
(c) Providing work not competent to perform	Rule 2.02.3	Reprimand and \$1,000. Fine
(d) "Plan Stamping"	Rule 2.06.2	Reprimand and \$1,000. Fine
(e) Attempting to procure license by providing false, deceptive or misleading information	§73-2-16 (e)(j)	Revocation and \$1,000. Fine (denial of license if application in process)
(f) Licensee disciplined by another jurisdiction	Rule 2.05.4	Committee discretion

(g) Conviction by any court of a felony, except conviction of culpable negligent manslaughter, in which case the record of conviction shall be conclusive evidence	§73-2-16 (2)(g)	1 year suspension, 2 year probation and \$1,000. Fine
(h) Practice on suspended license	§73-2-16(2)(e)	Revocation and \$1,000. Fine
(i) Practice on inactive license	§73-2-16(2)(e)	Fine based on length of time in practice while inactive; penalty will require licensee to renew license or cease practice
(j) Practice on revoked license	§73-2-16(2)(e)	Fine based on length of time in practice while revoked
(k) False, deceptive or misleading advertising	§73-2-16(2)(h)	Cease and desist letter
(l) Fraudulent advertising	§73-2-16(2)(h)	Public Reprimand, \$1,000 Fine and 1 year probation
(m) Negligence	§73-2-16(2)(h)	Reprimand, 2 years probations and \$1,000 Fine
(n) Fraud or Deceit	§73-2-16(2)(b)(h)	Reprimand, 1 year suspension, 2 years probation and \$1,000. fine
(o) Incompetence (mental or physical impairment)	Rule 2.02.4	Suspension until ability to practice proved, followed by probation
(p) Bribery to obtain clients or commissions	Rule 2.05.3	Revocation and \$1,000 Fine
(q) Undisclosed conflict of interest	§73-2-16(2)(i)	Reprimand, \$1,000 Fine and 2 years probation
(r) Aiding unlicensed practice	Rule 2.03 Rule 2.05.2	Reprimand and \$1,000 Fine

The Committee shall be able to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the Board prior to the imposition of final penalty.

The Committee shall also have the right to collect any legal and/or administrative charges incurred by the agency during the course of the investigation.

CHAPTER IV MANDATORY CONTINUING EDUCATION PROGRAM

4.01 Purpose

Each registrant shall be required to meet the continuing education requirements of these guidelines. These guidelines provide for a mandatory continuing education program to insure that registered landscape architects remain informed of those technical and professional subjects the Committee deems appropriate to safeguard life, health, and promote the public welfare.

4.02 Definitions

4.02.1 "CEU" - Continuing Education Unit. One CEU is equal to 50 minutes contact (clock) time. Twenty-four (24) CEUs are required. CONTINUING EDUCATION HOURS ARE NOT EQUIVALENT TO LEARNING UNITS.

4.02.2 "Health/Safety/Welfare" - Educational activities in which the teaching methodology consists primarily of the systematic presentation of relevant topics by qualified individuals or organizations (including professional development programs), courses of study taught in person or by correspondence, organized lectures, presentations or workshops and other means through which identifiable technical and professional subjects are presented in a planned manner. Videotaped instructional materials and self-study courses (such as those found in landscape architectural magazines) are allowable if the registrant can (a) account for the amount of time spent completing the activity; (b) summarize the content of the activity; and (c) relate the activity to the health, safety, and welfare of the public. Documentation may be required at the committee's discretion.

4.02.3 "Topics" - Technical and professional subjects which directly safeguard the health, safety, and welfare of the public. Examples include, but are not limited to, site design, environmental or land use analyses, life safety, landscape architectural programming, site and soils analyses, accessibility, structural systems considerations, lateral forces, building codes, evaluation and selection of building systems, products or materials, construction methods, contract documentation, construction administration, building design, etc.

4.02.4 "CE Committee" - The Continuing Education Committee shall consist of members of the Landscape Architecture Advisory Committee.

4.03 Policy and Administration

The Committee shall have the following duties:

- a. to exercise general supervisory authority over the administration of these rules; and
- b. to establish regulations consistent with these rules; and
- c. to organize sub-committees and delegate executive authority.

4.04 Scope and Exemptions

- a. Scope: These rules shall apply to landscape architects licensed in the State of Mississippi as a condition for renewal of registration on a biennial basis.
- b. Exemptions: A registrant may be exempt from participating in the continuing education program for one of the following reasons:
 - (i) A first-time new registrant by examination or first-time reciprocal registrant shall be exempt

- until his/her first renewal period.
- (ii) Participant is an emeritus status landscape architect.
- (iii) Participant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding one hundred and eighty (180) consecutive days during the biennial report period.
- (iv) Hardship cases will be considered by the Committee on an individual basis.

4.05 Requirements

- a. Each Mississippi registered landscape architect shall complete a minimum of twenty-four (24) continuing education hours each biennial year, beginning January 1, 2004. One continuing education unit (CEU) shall represent a minimum of 50 minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks or business/administration matters related to courses of study.
- b. Participants shall complete a minimum of 24 CEUs in health/safety /welfare course study. Health/safety/welfare course study shall consist of participation in education activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study.

4.06 Biennial Report

- a. Each participant shall submit an affidavit (supplied by the Committee) attesting to the registrant's fulfillment of continuing education requirements during the preceding biennial period of two fiscal years ending December 31 of each odd year (Example: January 1, 2004 through December 31, 2005). The affidavit shall be included with the application for license renewal. Only (6) CEUs will be permitted to carry-over.
- b. Each affidavit shall be reviewed by the Committee and may be subject to audit for verification of compliance with requirements. Participants shall retain proof of fulfillment of requirements for a period of two years after submission in the event that the affidavit and biennial report is selected for audit.
- c. The Committee may, upon audit for verification of compliance, disallow claimed credit for continuing education units. The participant shall have 180 calendar days after notification of disallowance of credit to substantiate the original claim or earn other CEU credit, which fulfill minimum requirements.